
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States of America,

Plaintiff,

versus

Milton Earl Carbe,

Defendant.

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Civil Action H-07-2727

Opinion on Fine

Milton Earl Carbe's application for relief from his judgment of conviction and sentence will be denied.

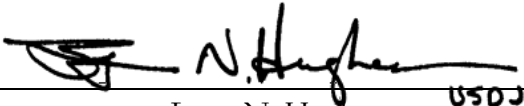
Carbe objects to the imposition of a fine and restitution and to the mal-calculation of the payment schedule.

The court imposed a fine of \$25,000. Carbe is likely to be able to pay on it only through his earnings in prison because he will die in prison discharging his life sentence.

The fine is neither an unconstitutional cruelty nor empty gesture because Carbe may inherit or otherwise be able to pay through some fortuity.

Also, he has appealed and lost and applied for a writ of habeas corpus and lost; that exhausted his opportunity to complain about these things since they were obvious at the time of sentencing.

Signed on September 28, 2007, at Houston, Texas.



Lynn N. Hughes
United States District Judge

USDC